

# LYNCHBURG CITY COUNCIL

## Agenda Item Summary

MEETING DATE: **August 13, 2002, Work Session**

AGENDA ITEM NO.: **3**

CONSENT:

REGULAR: **X**

CLOSED SESSION:

(Confidential)

ACTION: **X**

INFORMATION:

**ITEM TITLE: Discussion Of A Potential Zoning Ordinance Revision to Allow Post-release Rehabilitation Facilities as a Conditional Use in Certain Zones**

Recommendation: If Council wishes to support the proposed use, authorize staff to prepare a Zoning Ordinance amendment to allow a "post-release rehabilitation facility" as a conditional use in appropriate zones for presentation to the Planning Commission and public hearing.

### Summary:

The Department of Community Planning & Development, in conjunction with the City Attorney's Office, has had recent discussions with Claude Gunn, Director of Operation Turnaround. Mr. Gunn would like to create a residential rehabilitation program for post-release individuals who have been incarcerated. The program would allow non-violent former convicts to enter the program and would focus on assisting them with their re-entry into society. The program would include vocational-technical training, alcohol and drug rehabilitation, mentoring and other support services.

In order for such a program to exist in the City of Lynchburg, City Council would have to approve a revision to the Zoning Ordinance. Under the Group Home definition in the current ordinance, it states, "This definition does not include pre-release or post-release individuals who have been incarcerated." If Council wanted to allow this type of program the ordinance could be amended to permit facilities serving non-violent post release individuals in a residential rehabilitation program with a conditional use permit (CUP) in certain zones. The appropriate language could either be added to the Group Home definition or a new category could be created named "post-release rehabilitation facility".

The site in which Mr. Gunn is interested in locating the facility is the former Internet Offices at 1800 Garnett Street. This is one block from the Concord Turnpike and is sandwiched between the CSX railroad track and the N&W railroad track. It is located in an industrial zone (I-3), which would need to be downzoned to a business classification, (B-6) if the proposed program was to be included in the group home definition. Group homes are not allowed in industrial zones, they are allowed in business zones by right and are allowed in residential districts only with a conditional use permit. If a new category, "post-release rehabilitation facility," was created as a conditional use, it could be allowed in any zoning district thought to be appropriate.

Mr. Gunn had asked to appear before Council during its regular meeting. He has been invited to make his presentation during the work session instead.

Prior Actions: N/A

Fiscal Impact: N/A

Contacts: Rachel Flynn and Tom Martin, Community Planning & Development

Attachments: Letter from Operation Turnaround

Reviewed by: lkp

# OPERATION TURNAROUND

From Ex-Offender to Productive Citizen



Regional Director, Western Region  
Reverend Claude L. Gunn  
(434) 528-0435 clgunn@earthlink.net

Honorable John William Marshall  
Secretary of Public Safety

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July 19, 2002

Patricia Kost  
Clerk Of Council  
P.O. Box 60  
Lynchburg, VA 24505

Dear Ms. Kost,

As per our conversation on July 18, I am requesting to be placed on the agenda to make a presentation to Lynchburg City Council members at the Tuesday, August 13th session.

I plan to petition the current council members to reconsider the unfair and possibly discriminatory city ordinance (Sec. 35.1-11.8 [d]) enacted in 1978, which prohibits group homes which primarily targets the ex-offender population. Specifically, my concern is with a sentence near the end of the first paragraph which reads *"This definition does not include pre-release or post-release individuals who have been incarcerated"*. Incidentally, our plans are to accommodate non-violent, non-predatory former offenders, and assist in their re-entry efforts.

I have begun the process of petitioning the city to rezone from I-3 to B-6 (*conditional*) the property located in the historic Lower Basin formerly owned and utilized by the Lynchburg Foundry.

I thank you in advance for your assistance.

Sincerely,

Rev. Claude L. Gunn  
Regional Dir., OTWR

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(434) 528-0435 clgunn@earthlink.net